

United States District Court**for the****Eastern District of Washington**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Dec 05, 2024**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Ryan Creighton Gardner

Case Number: 0980 4:19CR06009-SAB-1

Address of Offender: [REDACTED] Kennewick, Washington 99336

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: June 12, 2019

Original Offense: Receipt of Child Pornography, 18 U.S.C. § 2252A(a)(2)(A), (b)(1)

Original Sentence: Prison - 60 months;
TSR - 120 months

Type of Supervision: Supervised Release

Revocation Sentence: Prison - 3 Months;
(May 1, 2024) TSR- 102 months

Asst. U.S. Attorney: Laurel Holland

Date Supervision Commenced: June 17, 2024

Defense Attorney: Nick Mirr

Date Supervision Expires: December 16, 2032

PETITIONING THE COURTTo issue a **warrant**.

On June 17, 2024, a probation officer reviewed the judgement with Mr. Gardner. He stated he understood the conditions of his supervision and signed a copy of his judgment.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

Special Condition # 16: You are prohibited from possessing or manufacturing any material, including videos, magazines, photographs, computer-generated depictions, or any other media that depict sexually explicit conduct involving children or adults, as defined at 18 U.S.C. § 2256(2). You must not enter any establishment involved in the sex industry, including but not limited to adult bookstores, massage parlors, and strip clubs. You must not utilize any sex-related adult telephone numbers. The supervising officer is authorized to monitor compliance in this area by obtaining relative records including but not limited to telephone, Internet, credit cards and bank statements.

Supporting Evidence: On or about September 23, 2024, Ryan Gardner allegedly violated special conditions number 16 by possessing media that depicted sexually explicit conduct.

Prob12C

Re: Gardner, Ryan Creighton
December 5, 2024
Page 2

On September 23, 2024, Mr. Gardner was subject to a maintenance polygraph as regularly scheduled. Based on the physiological responses he produced, the polygrapher opined the offender had been untruthful when he was asked if he had viewed pornography since his last polygraph. In a post-interview, the offender denied using any other pornographic images for his immediate sexual gratification. The offender subsequently sent an email to the undersigned officer to report he had used some videos of adults (clothed) for the purposes of sexual gratification and had failed the polygraph.

On September 26, 2024, the offender reported to the U.S. Probation Office to meet with the undersigned officer as scheduled. Mr. Gardner admitted to using YouTube videos for sexual gratification. When questioned what search words he used, he responded with “Yoga” and “clothing haul.” Due to concerns that were raised in his recent maintenance polygraph, the undersigned officer inspected Mr. Gardner’s cell phone and discovered all of the YouTube history was deleted.

2 **Special Condition # 3:** You must not use any software program or device designed to hide, alter or delete records/logs of your computer usage, Internet activities, or the files stored on the assigned computer. This includes the use of encryption, steganography (the art and science of hiding a message in a medium, such as a digital picture or audio file, so as to defy detection), and cache/cookie removal software.

Supporting Evidence: Mr. Gardner is considered to be in violation of his conditions of supervised release by altering or deleting records/logs of his computer usage on or before August 26, 2024.

On September 26, 2024, Mr. Gardner’s cell phone was confiscated and sent to the Forensic Examination Laboratory in the District of Utah, for a forensic analysis. Based on this search, it was revealed Mr. Gardner has deleted all of his computer usage on or before August 26, 2024. Also it was noted, “YouTube History” was visited through the Chrome Browser on September 24, 2024.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 5, 2024

s/Maria Balles

Maria Balles
U.S. Probation Officer

Prob12C

Re: Gardner, Ryan Creighton

December 5, 2024

Page 3

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

12/5/2024

Date